## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA ) 8:08CR56 |  |   |
|-------------------------------------|--|---|
|                                     | Plaintiff,   | ) 0.00CR30<br>)   |
|                                     | vs.  | )<br>) DETENTION ORDER  |
| JE                                  | SUS TERRAZAS,  | )<br>)  |
|                                     | Defendant.   | <i>)</i><br>)   |
| A.                                  | Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on February 25, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).   |   |
| B.                                  | <ul> <li>Statement Of Reasons For The Detention</li> <li>The Court orders the defendant's detention because it finds:         <ul> <li>X</li> <li>By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.</li> <li>X</li> <li>By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.</li> </ul> </li> </ul>   |   |
| C.                                  | distribute methamphetam carries a minimum sente maximum of forty year methamphetamine (Councarries a maximum sente (b) The offense is a crime of (c) The offense involves a nate (d) The offense involves a lare (2) The weight of the evidence again X (3) The history and characteristics of (a) General Factors:  The defendant a may affect wheth The defendant has X The defendant of the conduct of the conduct of the carries a minimum sente (c) The offense involves a nate (d) The offense involves a nate (d) The defendant a may affect wheth The defendant has The defendant of the conduct of the carries a minimum sente (c) The offense involves a nate (d) The offense involves a nate (d) The defendant a may affect wheth The defendant has The defendant h | and includes the following: a offense charged: a to distribute and possess with intent to ine (Count I) in violation of 21 U.S.C. § 846 ance of five years imprisonment and a ars imprisonment; the distribution of at V) in violation of 21 U.S.C. § 841(a)(1) ance of twenty years imprisonment. aviolence. arcotic drug. age amount of controlled substances, to with anst the defendant is high. and the defendant including: appears to have a mental condition which are the defendant will appear. as no family ties in the area. an have no steady employment. as no substantial financial resources. and a long time resident of the community. as not have any significant community. |
|                                     | court proceeding (b) At the time of the current  |   |

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|   | Probation Parole Release pending trial, sentence, appeal or completion of sentence. Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:  |
| X (4) The nature and seriousness of the danger posed by the defendant's<br>release are as follows: The nature of the charges in the Indictment. |  |
| on the followir which the Co  X (a) That is assure of any the cri  X  X   | g that the defendant should be detained, the Court also relied ng rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) urt finds the defendant has not rebutted: no condition or combination of conditions will reasonably the appearance of the defendant as required and the safety other person and the community because the Court finds that me involves:  (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. |
| assure of the   | no condition or combination of conditions will reasonably the appearance of the defendant as required and the safety community because the Court finds that there is probable to believe:  (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).   |

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from
 persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 26, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge